

NO. _____

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
9/17/2020
DEANA WILLIAMSON, CLERK**CRYSTAL MASON,***Appellant,***V.****STATE OF TEXAS,***Appellee.*

**On Petition for Discretionary Review from
the Second Court of Appeals at Fort Worth,
Cause No. 02-18-00138-CR**

**APPELLANT'S FIRST MOTION FOR EXTENSION OF TIME TO
FILE PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

Pursuant to Texas Rule of Appellate Procedure 68.2 (c) and 10.5 (b), Crystal Mason, Appellant, respectfully requests that this Court grant a 63-day extension of time to file her Petition for Discretionary Review, making her motion due November 30, 2020. In support of this Motion, Ms. Mason shows the Court the following:

1. The cause number for this case from the Second Court of Appeals is 02-18-00138-CR, styled *Crystal Mason v. State of Texas*. The trial court case number was D432-1485710-00, styled *State of Texas v. Crystal Mason*, in the 432nd District

Court of Tarrant County, Texas.

2. On March 19, 2020, the Second Court of Appeals issued its opinion, affirming the 432nd District Court's conviction of the Appellant for violating Section 64.012 of the Texas Election Code, the "Illegal Voting" statute, for submitting a provisional ballot that was rejected.

3. A Motion for En Banc reconsideration was timely filed on June 1, 2020.

4. On August 27, 2020, the court denied Appellant's Motion for En Banc Reconsideration.

5. Thirty days from the date that the court denied the Appellant's Motion for En Banc Reconsideration falls on September 26, 2020, which is a Saturday. Accordingly, Appellant's Petition for Discretionary Review is due the following Monday, September 28, 2020.

6. Counsel respectfully requests an extension of 63 days, until November 30, 2020, which is the Monday after the Thanksgiving Holidays, to file Appellant's Petition.

7. This Motion is not being filed for purposes of delay, but only so that justice may be done. This case raises important issues of first impression regarding the meaning and scope of Texas's Illegal Voting statute and its interaction with the Federal Help America Vote Act. In order to adequately present these issues to the

Court, Counsel requires additional time to file the Appellant's Petition for Discretionary Review.

8. Additionally, the COVID-19 outbreak has continued to create significant operational difficulties for Counsel including the closure of Counsels' offices, the technological and procedural hurdles of operating from home, coordinating child-care solutions, and facilitating and supervising remote learning now that the school year has started up again.

9. This extension is further necessitated by the press of other matters, including obligations by Counsel for the Appellant in the following other cases: *Associated Builders and Contractors of South Texas, Inc., et al. v. City of San Antonio, et al.*, Cause No. 2019CI13921 (trial set to begin on September 21, 2020); *Marilyn Washington, et al. v. Associated Builders and Contractors of South Texas, Inc, et al.*, COA No. 04-20-00004-CV (reply in support of appellant brief due September 24, 2020); *Missouri NAACP v. Missouri*, No. 20AC-CC00169-01 (appellate briefing in late September/early October); *Thomas v. Andino*, No. 3:20-cv-01552 (D.S.C.) (trial set for September 22, 2020 through September 25, 2020; October appeal); *Indiana Common Cause v. Lawson*, No. 1:17-cv-03936 (S.D. Ind.) (fees petition due October 5, 2020; *United States of America v. 5.840 Acres of Land, et al.*, No. 7:20-CV-009 (SDTX) (joint pretrial order, motion in limine, and proposed jury instructions or proposed findings of fact and conclusions of law due October 26,

2020); *Manzo-Hernandez et al v. Juarez*, 20-CV-0095 (SDTX) (motion to join new parties due October 27, 2020); *Daniels v. Dallas County Sheriff* DC-20-07112 (298th Dallas District Court) (reply to amended pleadings due October 28, 2020 and fact discovery due October 30, 2020); *Vazquez Barrera et al. v. Wolf et al.*, 4:20-cv-01241 (S.D.Tex.) (anticipated individualized hearings concerning conditions of detention center confinement throughout October); *Fish v. Schwab*, No. 20-109 (U.S. S. Ct.) (brief in opposition to petition for writ of certiorari due November 2, 2020). Further, with the November Election forthcoming, Appellant's attorneys will be participating in voter education work.

10. This is Appellant's first request for an extension of time to file Appellant's Petition for Discretionary Review.

11. Ms. Mason is out on bond pending appeal.

PRAYER

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant this Motion and extend the deadline for her Petition for Discretionary Review by 63 days, to and including November, 30, 2020.

Respectfully submitted,

Emma Hilbert
Texas Bar No. 24107808
Texas Civil Rights Project
1405 Montopolis Drive
Austin, TX 78741-3438
Telephone: (512) 474-5073 ext. 105
Fax: (512) 474-0726
beth@texascivilrightsproject.org
emma@texascivilrightsproject.org

Hani Mirza
Texas Bar No. 24083512
Texas Civil Rights Project
1412 Main Street, Suite 608
Dallas, TX 75202
Telephone: (972) 333-9200 ext. 171
Fax: (972) 957-7867
hani@texascivilrightsproject.org

Sophia Lin Lakin*
New York Bar No. 5182076
Dale E. Ho*
New York Bar No. 4445326
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: (212) 519-7836
Fax: (212) 549-2654
slakin@aclu.org
dho@aclu.org

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy
Texas Bar No. 24078344
Andre Segura
Texas Bar No. 24107112
ACLU Foundation of Texas, Inc.
5225 Katy Freeway, Suite 350
Houston, TX 77007
Telephone: (713) 942-8146
Fax: (915) 642-6752
tbuser-clancy@aclutx.org
asegura@aclutx.org

Alison Grinter
Texas Bar No. 24043476
6738 Old Settlers Way
Dallas, TX 75236
Telephone: (214) 704-6400
alisongrinter@gmail.com

Kim T. Cole
Texas Bar No. 24071024
2770 Main Street, Suite 186
Frisco, Texas 75033
Telephone: (214) 702-2551
Fax: (972) 947-3834
kcole@kcolelaw.com

*Counsel for Appellant,
Crystal Mason*

**pro hac vice applications forthcoming*

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion will be served on the following counsel of record via email on September 16, 2020:

Counsel for Appellee State of Texas:

Sharen Wilson, *Criminal District Attorney*

Joseph W. Spence, *Assistant Criminal District Attorney, Chief, Post-conviction*

Helena F. Faulkner, *Assistant Criminal District Attorney*

Matt Smid, *Assistant Criminal District Attorney*

John Newbern, *Assistant Criminal District Attorney*

Tarrant County District Attorney's Office

401 W. Belknap

Fort Worth, TX 76196-0201

coaappellatealerts@tarrantcountytexas.gov

/s/ Thomas Buser-Clancy

Thomas Buser-Clancy